



**U.S. Department of State
Bureau of Educational and Cultural Affairs
Private Sector Exchange**

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Guidance Directive 2018-01

College and University Student Category: Avoiding Unskilled Placements in Academic Training and Student Internship Programs

As part of the Department's category review of the College and University Student category of the Exchange Visitor Program, the Department has compiled the following guidance in order to assist Department-designated sponsors in this category with the administration of their exchange visitor programs.

Academic Training

Department-designated sponsors of college and university students participating in academic training are expected to support academic training that is directly related to the exchange visitor's major field of study at the post-secondary accredited academic institution listed on his or her Form DS-2019 (22 C.F.R. §62.23(f)(3)(ii)). In addition, in order to qualify for academic training, a proposed placement must be an integral or critical part of the student's academic program (22 C.F.R. §62.23(f)(5)(i)(D)). In the spirit of these regulatory provisions, an academic training program should consist of bona fide training activities that are connected to a substantial academic framework, and are designed to expose participants to the operations of their field.

Sponsors should ensure that College and University Student placements in academic training prioritize academic objectives and are not driven by the labor needs of a host organization.¹ The Department has observed academic training placements in which exchange visitors worked as hourly food servers, bussers, and pool attendants. These positions have lacked the academic rigor the Department expects to see in academic

¹ A host organization in this case is the site of activity at which the exchange visitor will conduct his or her academic training under the direct supervision of an individual other than the Responsible Officer or an Alternate Responsible Officer.

training programs, and appeared to be driven by the labor needs of the host organization. Although it does not apply to the College and University Student category of the Exchange Visitor Program, sponsors may wish to refer to Appendix E to 22 C.F.R. Part 62 (Unskilled Occupations) for illustrative examples of positions the Department has deemed, in other contexts, to be unskilled placements.

Within an academic training placement, the Department expects that non-substantive or unskilled activities, taken together, will not constitute a substantial portion of the placement. Therefore, we encourage sponsors to seek primarily substantive roles (e.g., shadowing managers, participating in project design, management, or event planning) that involve no more than infrequent non-substantive tasks (e.g., housekeeping, bussing tables, serving food). Some sponsors have included rotation systems in their academic training placements, but a rotation system in which the exchange visitor would work largely or entirely on non-substantive tasks (including by rotating through different non-substantive tasks) would not be in keeping with the Department's expectations for academic training. Sponsors should be prepared to provide evidence of time spent by an exchange visitor on substantive and non-substantive tasks upon the Department's request. See 22 C.F.R. §62.10(e).

Student Internships

Department-designated sponsors of college and university students should ensure that student internship programs successfully expose participants to American techniques, methodologies, and technology and expand upon the exchange visitors' existing knowledge and skills (22 C.F.R. §62.23(i)(2)(iii)). Sponsors should ensure that all tasks assigned to a student intern are necessary for the completion of the student internship program and assist the exchange visitor in fulfilling his or her current degree program at the home institution. Hospitality and Tourism student internship programs of six months or longer must contain at least three departmental or functional rotations (22 C.F.R. § 62.23(i)(8)(v)), which should be outlined in the student intern's Form DS-7002 (Training/Internship Placement Plan).

Sponsors should ensure that all placements are driven by the educational objectives of their student interns, and not by the labor needs of a host organization (22 C.F.R. §62.23(i)(3)(ii)(B)). Sponsors are responsible for distinguishing between work-based learning, which is permitted, and ordinary employment or unskilled labor, which is not. See 22 C.F.R. §62.23(i)(7)(ii). Sponsors are specifically prohibited from placing student interns in unskilled or casual labor positions (22 C.F.R. §62.23(i)(8)(i)). Again, sponsors may wish to refer to Appendix E to 22 C.F.R. Part 62 (Unskilled Occupations) for illustrative examples of positions the Department has deemed, in other contexts, to be unskilled placements.

Within a student intern placement, sponsors should ensure that the duties of a student intern, as outlined in the Form DS-7002, do not involve more than 20 percent clerical work (22 C.F.R. §62.23(i)(8)(iv)).

Other Relevant Guidance Directives

Guidance Directive 2015-03: Training/Internship Placement Plan – Form DS-7002 (T/IPP) – Integration of Form DS-7002 in electronic format in SEVIS (published June 22, 2015)
<https://j1visa.state.gov/wp-content/uploads/2015/08/2015-03-SEVIS-TIPP-2015-Final.pdf>

Guidance Directive 2017-01: Reinforcing the primary objectives and enhancing monitoring of 22 CFR 62.22 (Trainees and Interns): Regulatory prohibition of unskilled or casual labor positions (published February 23, 2017)
<https://j1visa.state.gov/wp-content/uploads/2017/02/FINAL-Guidance-Directive-Casual-and-unskilled-labor-2-16-2017 LET.pdf>



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